

**AGENDA  
TOWN BOARD AND WATER BOARD MEETING**

November 4, 1998  
Wednesday

Town Hall  
7:30 P.M.

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**PUBLIC HEARING-PROPOSED REZONING OF PARCEL(S) 17-4-15(PORTION OF), 16, 17  
PUBLIC HEARING-PROPOSED REZONING OF PARCEL(S) 37-1-  
6,7.1,7.21,7.22,8,9,10,11,12,13.1 14(PORTION OF),44.2(PORTION OF), 45.2, 60  
PUBLIC HEARING-PROPOSED 1999 BUDGET**

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**1. MINUTES**

**UNFINISHED BUSINESS**

**HIGHWAY DEPARTMENT**

- 2. Receive and file-Executed Snow/Ice Agreement 1998/99**

**WATER DEPARTMENT**

- 3. Receive and file-Satisfaction of Mechanic's Lien-Nannini & Callahan-DNM Hauling & Excavating Co. WD #11**

**SANITATION DEPARTMENT**

- 4. Receive and file-Sewage Ejection Pump Easement Agreements**

**GENERAL**

- 5. Motion-Authorize scheduling of Public Hearing-NW Rural Fire Protection District**
- 6. Receive and file-Correspondence & Petition-Lacey Field residents**
- 7. Receive and file-Notice of Claim**
- 8. Receive and file-Notice of Claim**
- 9. Receive and file-Bill #HR3616-Public Law #105-261 Defense Department Fiscal Year 1999 authorization bill land conveyance, Stewart Army Subpost, NW**
- 10. Motion-Authorize appraisal-Stewart Army Subpost Lands**
- 11. Motion-Authorize Town Clerk to publish display ad-Snow Removal Law**
- 12. Motion-Award Bid-Crestview Lake Boiler Replacement**
- 13. Motion-Authorization to advertise Public Hearing-Proposed Amendments to Chapter 44 Vehicle & Traffic Local Law**
- 14. Motion-Authorization levying of unpaid water/sewer/garbage charges**
- 15. Motion-Authorize Supervisor to execute Easement-Town-wide Drainage Project Phase 2D**
- 16. Motion-Open Hearing-Klein Properties-6&8 Coffey Avenue 20-4-7&8**
- 17. Motion-Demolition & Removal of Unsafe Buildings 20-4-7&8**

**18. OFFICIALS REPORTS**

**19. PUBLIC FORUM**

**20. ADJOURN**

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., NOVEMBER 4, 1998; 7:30 P.M.  
NEW WINDSOR TOWN HALL  
NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Meyers, Councilman Finnegan,  
Councilwoman Mullarkey, Councilwoman  
Townsend, Councilman Green

OTHER OFFICIALS PRESENT: Town Attorney Crotty, Comptroller Reis,  
Highway Superintendent Pullar

Supervisor Meyers called to order the Regular Town Board and Water Board Meeting  
And presided over same.

#1 On Agenda – MINUTES

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town  
Board of the Town of New Windsor approve the Minutes of the Regular Town Board and  
Water Board Meeting held on October 7, 1998 and the Special Town Meeting held on  
October 20, 1998, as per the copies posted on the Town Clerk's bulletin board in the  
Town Hall and same distributed to each of the Town Board Members.

Roll Call: All Ayes

Motion Carried: 5-0

UNFINISHED BUSINESS

NONE

HIGHWAY DEPARTMENT

#2 On Agenda – Receive and file-Executed Snow/Ice Agreement 1998/99

Hearing no objections, the Town Board of the Town of New Windsor receive and file the  
Executed Snow/Ice Agreement for 1998/99 season, for snow and ice control on certain  
County roads, between the Town of New Windsor and the County of Orange.

WATER DEPARTMENT

#3 On Agenda – Receive and File-Satisfaction of Mechanic's Lien-Nannini & Callahan  
DNM Hauling & Excavating Co. WD #11

Hearing no objections, the Town Board of the Town of New Windsor receive and file a  
Satisfaction of Mechanic's Lien dated October 14, 1998 in the amount of \$20,854.73, in  
Favor of NANNINI & CALLAHAN, INC., claimant, and against DNM HAULING &  
EXCAVATING, INC. for construction of Water District #11.

SANITATION DEPARTMENT

#4 Receive and File-Sewage Ejection Pump Easement Agreements

Hearing no objections, the Town Board of the Town of New Windsor receive and file the  
Following Sewage Ejection Pump Easement Agreements which were recorded in the  
Orange County Clerk's Office on September 8, 1998:

- (1) Longcore, William and Maciel, Christine to TNW – 34-1-75  
Liber 4865 – Page 286;

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|---|-----------|
| (2) Wortman, Michael S. to TNW -<br>Liber 4865 – Page 279;                | 34-1-17   |
| (3) Wortman, Frank R. to TNW -<br>Liber 4865 – Page 272;                  | 34-1-16   |
| (4) Janatsch, Edward W. & Margaret to TNW<br>Liber 4865 – Page 328;       | 62-8-15.1 |
| (5) Hopkins, George M. to TNW<br>Liber 4865 – Page 321;                   | 67-4-11   |
| (6) Mule', Robert & Victoria to TNW<br>Liber 4865 – Page 314;             | 67-5-10.2 |
| (7) Beck, Raymond J., Jr. & Pauline A. to TNW<br>Liber 4865 – Page 307;   | 65-2-40   |
| (8) Lachance, Peter to TNW<br>Liber 4865 – Page 300;                      | 59-1-2    |
| (9) Lovano, Joseph S. & Judith Silverman to TNW<br>Liber 4865 – Page 293. | 57-1-48.1 |

GENERAL

#5 On Agenda – Motion-Authorize Scheduling of Public Hearing-NW Rural Fire Protection District

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, there has been duly established in the Town of New Windsor, a fire protection district known as the New Windsor Rural Fire Protection District located generally in the western half of the Town of New Windsor; and

WHEREAS, it is necessary pursuant to New York State Town Law for the Town Board to provide fire protection within said NEW WINDSOR RURAL FIRE PROTECTION DISTRICT.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Section 184 of the Town Law of the State of New York, that a public hearing be held with reference to the furnishing of fire protection for the NEW WINDSOR RURAL FIRE PROTECTION DISTRICT on the 2<sup>nd</sup> day of December, 1998, at the Town Hall, 555 Union Avenue, New Windsor, New York at 7:30 p.m., and that the Town Clerk shall cause publication of such notice of hearing in "THE SENTINEL", a newspaper having a general circulation in said fire protection district, and that such notice shall specify the time when and the place where said hearing will be held and describe in general terms the proposed contract.

Roll Call: All Ayes

Motion Carried: 5-0

#6 On Agenda – Receive and File-Correspondence & Petition-Lacey Field Residents

Hearing no objections, the Town Board of the Town of New Windsor receive and file correspondence and a petition containing fifty-six (56) signatures of residents in Lacey Field, regarding their request for a sound barrier along Route 9W. Same being referred to the New York State Department of Transportation.

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., NOVEMBER 5, 1998; 7:30 P.M. SHEET 3

#7 On Agenda – Receive and File-Notice of Claim

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Notice of Claim in the matter of Thomas C. Brown and Suzanne Brown against the Town of New Windsor. Same being referred to the Attorney for the Town.

#8 On Agenda – Receive and File-Notice of Claim

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Notice of Claim in the matter of Stephen St. George against the Town of New Windsor. Same being referred to the Attorney for the Town.

#9 On Agenda – Receive and File-Bill #HR3616-Public Law #105-261 Defense  
Department Fiscal Year 1999 Authorization Bill Land Conveyance,  
Stewart Army Subpost, NW

Hearing no objections, the Town Board of the Town of New Windsor receive and file **Bill #HR3616** known as **Public Law #105-261**, which is named **Defense Department Fiscal Year 1999 Authorization Bill**, and signed by President Clinton on October 17, 1998 and authorizes the conveyance of approximately 291 acres of land from Stewart Army Subpost to Town of New Windsor.

#10 On Agenda – Motion-Authorize Appraisal-Stewart Army Subpost Lands

Motion by Councilman Green, seconded by Councilwoman Townsend that the Town Board of the Town of New Windsor authorize Valuation Consultants, Inc. 255 Route 17K-Suite 2, Newburgh, New York to complete an appraisal of the Stewart Army Subpost Lands. The full narrative report will include an area and neighborhood analysis, highest and best use analysis, and a sales comparison approach. Cost shall not exceed \$10,000.00 and the appraisal shall be completed prior to November 25, 1998.

Roll Call: All Ayes

Motion Carried: 5-0

#11 On Agenda – Motion-Authorize Town Clerk to Publish Display Ad-Snow  
Removal Law

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Town Clerk to publish a display ad in the Sentinel, and the Times Herald Record with reference to both roadway and sidewalk snow removal laws and requesting that residents clear fire hydrants on their property for the Fire Departments.

Roll Call: All Ayes

Motion Carried: 5-0

#12 On Agenda – Motion-Award Bid-Crestview Lake Boiler Replacement

Motion by Councilwoman Townsend, seconded by Councilman Green that the Town Board of the Town of New Windsor award the Bid for the Crestview Lake Boiler Replacement Project to Hills Industrial Mechanics, Inc., P.O. Box 475, Marlboro, New York 12542, cost not to exceed \$78,000.00. As per the recommendation of McGoey, Hauser and Edsall Consulting Engineers P.C. under the date of June 23, 1998.

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda – Motion-Authorization to Advertise Public Hearing-Proposed  
Amendments to Chapter 44 Vehicle & Traffic Local Law

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the

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Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for a Public Hearing to consider the adoption of Amendments to Chapter 44 entitled "Vehicle and Traffic" Local Law, said hearing to be held on the 2<sup>nd</sup> day of December, 1998 at 7:30 P.M. in the Town Hall, 555 Union Avenue, New Windsor, New York.

Roll Call: All Ayes

Motion Carried: 5-0

#14 On Agenda – Motion-Authorization Levying of Unpaid Water/Sewer/Garbage Taxes

Motion by Councilman Green, seconded by Councilwoman Townsend that the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, the Supervisor of the Town of New Windsor on October 29, 1998, transmitted to this Board a Statement of unpaid water, sewer and Beaver Dam Garbage charges filed with the Town Clerk on October 29, 1998 containing a brief description of the property on which water, sewer and Beaver Dam Garbage charges are unpaid, and the names of persons or corporation liable to pay the same, and the amount chargeable to each;

NOW BE IT RESOLVED, that there be levied on the 1999 Tax Roll of the Town of New Windsor against the properties set forth in said statement, and the unpaid water, sewer and Beaver Dam Garbage charges so transmitted to the Board, and that the amount thereof be set forth as Unpaid Utilities on the 1999 Tax Roll for a total of \$256,140.73;

BE IT FURTHER RESOLVED, that the amount so levied shall be placed in the warrant of the County Legislature issued to the Tax Receiver of said Town in the same manner as general taxes are levied and collected, and shall be like lien as general taxes until the amount thereof is paid.

Roll Call: All Ayes

Motion Carried: 5-0

#15 On Agenda – Motion-Authorize Supervisor to Execute Easement-Town Wide  
Drainage Project Phase 2D

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Supervisor to execute the following Easements for Drainage, Phase 2D:

(1) Wingfield, Lorraine G. & Krasnoborski, Wm. F. – 47-1-73

(2) Benichase, John & Sonia - 47-1-58

(3) Bertero, Richard L. & Lillian M.- 44-1-25

Roll Call: All Ayes

Motion Carried: 5-0

#16 On Agenda – Motion-Open Hearing-Klein Properties 6 & 8 Coffey Avenue  
20-4-7&8

Supervisor Meyers: Mr. Klein, you are here.

Mr. Klein: Yes, I am.

Supervisor Meyers: What do you want to say?

Mr. Klein: I spoke to the engineer on both buildings and I can correct the rest of the things that he wants done in the next two weeks.

Supervisor Meyers: In two weeks?

Mr. Klein: Two weeks.

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Supervisor Meyers: I'm going to read a resolution and we will give you two weeks and then we are going to move forward and if you correct them then we won't move forward.

Mr. Klein: That's not what the Engineer said.

Supervisor Meyers: Exactly what is said here; if you have any questions, I suggest you come in and see him tomorrow but if he sent you a report, the report is not changed.

Mr. Klein: I received the report not more than ten days ago.

Supervisor Meyers: I'm going to give you to November 22<sup>nd</sup> to correct it.

Mr. Klein: Okay.

Supervisor Meyers: If you don't correct it I'm going to take those buildings down.

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor open the hearing on properties known as 6 Coffey Avenue (Section 20-Block 4-Lot 8) and 8 Coffey Avenue (Section 20-Block 4-Lot 7) owned by William Klein pursuant to Town Board Resolution dated August 5, 1998 and a Notice and Order Pursuant to Town of New Windsor Local Law: Unsafe Buildings or Collapsed Structures, dated October 8, 1998 and served on William Klein by Registered Mail on October 23, 1998.

Roll Call: All Ayes

Motion Carried: 5-0

#17 On Agenda – Motion-Demolition & Removal of Unsafe Buildings 20-4-7&8

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, the Town Board of the Town of New Windsor has taken notice of an unsafe building condition at property located at 6 Coffey Avenue (20-4-8) and 8 Coffey Avenue (20-4-7); and

WHEREAS, the Town Board has followed the procedures for the Unsafe Building or Collapsed Structures Local Law of the Town of New Windsor providing notice to the owner as required; and

WHEREAS, the owner, William Klein, has not taken action to demolish or remove the building in accordance with the report of the Engineer for the Town dated August 25, 1998 and Fire Inspection dated October 1, 1998; and

WHEREAS, the notice has provided for a hearing on this date, November 4, 1998; and

WHEREAS, the owner has appeared at the hearing to set forth a request for delay or otherwise provide mitigating circumstances; and

WHEREAS, the Town Board of the Town of New Windsor having duly considered this matter, including the cost of maintaining versus demolition.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Windsor order that the buildings located at 6 Coffey Avenue and 8 Coffey Avenue, known as tax map Section 20, Block 4, Lot 7 and 8, be demolished and removed by a contractor to be engaged by the Town under the provisions of the General Municipal Law as shall be approved by the Engineer for the Town and other responsible Town officials.

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BE IT FURTHER RESOLVED that the demolition and removal be accomplished as soon as possible after November 22, 1998 unless the Engineer for the town or the Building and Zoning Inspector certifies there has been a substantial change in the condition of the premises prior to that date, and

BE IT FINALLY RESOLVED that the costs and expenses of the demolition and removal shall be assessed against property located at 6 Coffey Avenue (20-4-7) and 8 Coffey Avenue (20-4-8) in accordance with provisions of the Unsafe Buildings or Collapsed Structures Local Law of the Town of New Windsor.

Roll Call: All Ayes

Motion Carried: 5-0

#18 On Agenda – OFFICIALS REPORTS

The following reports were received, recorded and filed with the Town Clerk:

Building Department Report	Month of Sept. 1998
Town Justice Suttlehan's Report	Month of October 1998
Recreation Department Report	Month of October 1998
Tax Receiver's Report	Month of October 1998
Town Clerk's Report	Month of October 1998
Town Justice Thorpe's Report	Month of October 1998

#19 On Agenda – PUBLIC FORUM

TAPE 1, SIDE A, TAPE #584

Alina Melendez spoke in regard to the Rezoning Public Hearing. Supervisor Meyers explained what transpired as Ms. Melendez arrived after that portion of the meeting was over. DISCUSSION CONTINUED TAPE 1, SIDE A, TAPE #772.

Hearing no others wishing to speak Supervisor Meyers, entertained a motion to close the Public Forum Portion of the agenda.

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 5-0

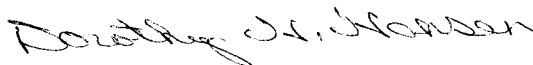
#21 On Agenda – ADJOURN

Motion by Councilwoman Townsend, seconded by Councilman Green that the Town Board of the Town of New Windsor adjourn the Regular Town Board and Water Board Meeting at 8:14 P.M.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,



DOROTHY H. HANSEN  
TOWN CLERK

DHH:sh